

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:	§	
	§	CASE NO. 15-10109-HCM
COINTERRA, INC.	§	
	§	CHAPTER 7
DEBTOR	§	

**MOTION TO AMEND ORDER GRANTING MOTION
TO APPROVE COMPROMISES WITH FORTIS ADVISORS, LLC, AS COLLATERAL
AGENT, C7 DATA CENTERS, INC., AND OPEN SILICON, INC.,
INCLUDING AUTOMATIC STAY MODIFICATIONS**

TO THE HONORABLE H. CHRISTOPHER MOTT, U. S. BANKRUPTCY JUDGE:

COMES NOW, Randolph N. Osherow, Chapter 7 Trustee (“**Trustee**”) for CoinTerra, Inc. (“**Debtor**”) and files this *Motion to Amend Order Granting Motion to Approve Compromises with Fortis Advisors, LLC, as Collateral Agent, C7 Data Centers, Inc., and Open Silicon, Inc., Including Automatic Stay Modifications* (the “**Collateral Agent**,” “**C7**,” and “**OSI**”) (the “**Motion**”) and in support thereof, would respectfully show as follows:

Jurisdiction

1. This Court has jurisdiction over this matter under 28 U.S.C. §§ 1334 and 157. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The predicate for relief is Federal Bankruptcy Rule 9023(e).

Background

2. On January 24, 2015 (“**Petition Date**”), Debtor filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code.

3. One June 9, 2015, the Trustee filed its *Motion to Approve Compromises With Fortis Benefits, LLC, as Collateral Agent, C7 Data Centers, Inc., and Open Silicon, Inc., Including Automatic Stay Modifications* (the “**CSA Motion**”) [Dkt. No. 68], using the wrong name for the Collateral Agent. The CSA Motion was approved on July 6, 2015, by the entry of the “*Order Granting Motion to Approve*

Compromises with Fortis Benefits, LLC, as Collateral Agent, C7 Data Centers, Inc., and Open Silicon, Inc., Including Automatic Stay Modifications” (the “**CSA Order**”) [Dkt. No. 69].

Relief Requested

4. By filing this Motion, the Trustee seeks to correct the scrivener’s error in the CSA Order, which lists Fortis Benefits, LLC, as a party to the Settlement Agreement instead of Fortis Advisors, LLC. As set forth in the Settlement Agreement attached as an exhibit to the CSA Motion, the Settlement Agreement was executed by **Fortis Advisors, LLC, as Collateral Agent for the ratable benefit of the Lenders under certain Transaction Documents as defined in the Cointerra, Inc. Security and Pledge Agreement**, which is the proper party to the Settlement Agreement.

5. The Trustee’s counsel and counsel for Fortis Advisors, LLC, are aware of this clerical error and have agreed to the terms of the proposed *Corrected Order Granting Motion to Approve Compromises with Fortis Advisors, LLC, as Collateral Agent, C7 Data Centers, Inc., and Open Silicon, Inc., Including Automatic Stay Modifications*. The scrivener’s error is of no significance to any other party and no other changes than replacing “Benefits” with “Advisors” are sought.

6. A copy of the proposed *Corrected Order Granting Motion to Approve Compromises with Fortis Advisors, LLC, as Collateral Agent, C7 Data Centers, Inc., and Open Silicon, Inc., Including Automatic Stay Modifications* is attached hereto as “Exhibit A” and a version showing where the name changes occur is attached hereto as Exhibit “B”.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that the Court enter the *Amended Order Granting Motion to Approve Compromises with Fortis Advisors, LLC, as Collateral Agent, C7 Data Centers, Inc., and Open Silicon, Inc., Including Automatic Stay Modifications*, and for such other and further relief to which it may show itself to be justly entitled.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP

By: /s/ Steve Turner

Steve Turner
Texas Bar No. 20341700
610 West 5th Street, Suite 602
Austin, Texas 78701
Phone: (512) 687-2500
Fax: (512) 477-1112
SteveT@BDFGroup.com

ATTORNEYS FOR RANDOLPH N. OSHEROW,
CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that on the 10th day of July, 2015, a true and correct copy of the foregoing document was served upon the following parties via electronic means as listed on the Court's ECF noticing system or by regular first class mail.

Cointerra, Inc.
11130 Jollyville Road, Suite 303
Austin, Texas 78759
DEBTOR

United States Trustee
903 San Jacinto Boulevard, Suite 230
Austin, Texas 78701

C7 Data Centers, Inc.
c/o R. Adam Swick
Reid Collins & Tsai, LLP
1301 South Capital of Texas Highway
Building C, Suite 300
Austin, Texas 78746

Timothy A. Davidson, II
Andrews & Kurth, LLP
600 Travis, Suite 4200
Houston, Texas 77002
ATTORNEYS FOR DEBTOR

Fortis Advisors, LLC, Collateral Agent
c/o Edwin P. Keiffer
Wright Ginsberg Brusilow, P.C.
325 North St. Paul Street, Suite 4150
Dallas, Texas 75201

Future Electronics Corp.
c/o Lynn Saarinen
Barron & Newburger, P.C.
1212 Guadalupe, Suite 104
Austin, Texas 78701

Open Silicon, Inc.
c/o Timothy R. Casey
Drinker Biddle & Reath, LLP
191 North Wacker Drive, Suite 3700
Chicago, IL 60606

CenturyLink TS
c/o Bernard C. Devieux
Reed Smith LLP
1201 North Market Street, Suite 1500
Wilmington, Delaware 19801

Omni Logistics, Inc.
c/o Alan S. Gerger
Dunn Neal & Gerger, LLP
3006 Brazos Street
Houston, Texas 77006

Michael Vick
c/o Willard Proctor, Jr.
Willard Proctor, Jr., P.A.
2100 Wolfe Street
Little Rock, Arkansas 72202

Applied Circuit Technology
c/o Mark H. Ralston
13155 Noel Road, Suite 700
Dallas, Texas 75240

CenturyLink Communications, LLC
c/o David F. Brown
Ewell, Brown & Blanke, LLP
111 Congress Avenue, 28th Floor
Austin, Texas 78701

Texas Comptroller of Public Accounts
c/o Kimberly A. Walsh
Office of the Texas Attorney General
Bankruptcy & Collections Division
PO Box 12548
Austin, Texas 78711-2548

/s/ Steve Turner
Steve Turner